

**4VAC15-30-50. Definitions and Miscellaneous: Importation, possession, sale, etc., of animals:  
Possession, transportation, and release of wildlife by authorized persons.**

**Summary:**

The proposal is to (i) define authorized activities for wildlife rehabilitators permitted by the Department; (ii) authorize any person to transport injured and orphaned wildlife to permitted wildlife rehabilitators; and (iii) authorize any person to release rehabilitated native wildlife in accordance with conditions defined by the Department.

**Proposed language of amendment:**

**4 VAC 15-30-50. Definitions and miscellaneous: Importation, possession, sale, etc., of animals.  
Possession, transportation, and release of wildlife by authorized persons.**

A. Department employees in the performance of their official duties; U.S. government agencies' employees whose responsibility includes fisheries and wildlife management; county, city, or town animal control officers in the performance of their official duties related to public health concerns or problem wildlife removal; and individuals operating under conditions of a commercial nuisance animal permit issued by the department pursuant to §§ 29.1-412 and 29.1-417 of the Code of Virginia will be deemed to be permitted pursuant to this section to capture, temporarily hold or possess, transport, release, and when necessary humanely dispatch wildlife, provided that the methods of and documentation for the capture, possession, transport, release, and humane dispatch shall be in accordance with director policy.

B. Local animal shelters operating under the authority of, or under contract with, any county, city, or town with animal control responsibilities shall be authorized to receive, temporarily confine, and humanely euthanize wildlife, except for state or federal threatened and endangered species; federally protected migratory bird species; black bear; white-tailed deer; and wild turkey, provided that the methods of and documentation for the possession, confinement, and euthanasia shall be in accordance with conditions defined by the agency director. Provided further that any person may legally transport wildlife, except for those species listed in this subsection, to an authorized animal shelter after contacting the facility to confirm the animal will be accepted.

C. Wildlife rehabilitators permitted by the Department shall be authorized to receive, temporarily confine, provide medical care to, release, and humanely dispatch wildlife provided that the methods of and documentation for such activities shall be in accordance with permit conditions defined by the Department. Provided further that any person may capture and transport an injured, debilitated, sick, or orphaned wild animal without unnecessary delay directly to a permitted wildlife rehabilitator, Department employee, or other person authorized by the Department to possess and transport these animals, but only after contacting the facility, employee, or authorized person to confirm the animal will be accepted. Prior to transport, no care may be provided to a wild animal, except as directed by a permitted wildlife rehabilitator or Department employee. Following rehabilitation, any person, under the direction of a permitted wildlife rehabilitator or Department employee, may transport and release certain species of native wildlife back into the wild in accordance with conditions defined by the Department for permitted wildlife rehabilitators.

~~D~~C. Employees or agents of other state wildlife agencies while in the performance of their official duty in transporting wildlife through the Commonwealth will be deemed to be permitted pursuant to this section, provided that a list of animals to be transported, a schedule of dates and locations where those animals will be housed while in the Commonwealth, and a letter of authorization from both the forwarding and receiving state agencies are provided to the department 24 hours prior to the transporting of such animals, and further provided that such animals shall not be liberated within the Commonwealth.

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44 ~~ED~~. Employees or agents of government agencies, while in the performance of their official duties,  
45 may temporarily possess, transport, and dispose of carcasses of wild animals killed by vehicles,  
46 except for state or federal threatened and endangered species, and federally protected migratory bird  
47 species.  
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49 ~~FE~~. With prior written approval from the director or his designee and under conditions of an  
50 applicable department permit, institutions with bona fide accreditation from the Association of Zoos  
51 and Aquariums may possess, transport, have transported, export, or import native and naturalized  
52 species defined in the List of Native and Naturalized Fauna of Virginia, which is incorporated by  
53 reference into 4VAC15-20-50.

**Rationale:**

Authorization for wildlife rehabilitators to receive and care for injured and orphaned wildlife is currently not addressed in Virginia code or regulation. This proposal provides the necessary legal framework for wildlife rehabilitators to perform authorized activities in accordance with permit conditions defined by the Department. Authorization for the general public to capture and transport injured and orphaned wildlife directly to rehabilitators is needed because there is currently an insufficient number of legal transporters available to deliver these animals to permitted facilities. Allowing the public to release wild animals following rehabilitation also helps address the shortage of currently authorized transporters and increases the likelihood that wildlife will be released in the exact location from which it was originally collected.

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